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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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MAY 27 1998

In the Matter of)
)
Implementation of the)
Telecommunications Act of 1996:)
)
Telecommunications Carriers' Use)
of Customer Proprietary Network)
Information and Other Customer)
Information)
)
Implementation of the)
Non-Accounting Safeguards of)
Sections 271 and 272 of the)
Communications Act of 1934, as)
Amended)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 96-115

CC Docket No. 96-149

PETITION FOR WAIVER OF PAGE LIMITATION

MCI Telecommunications Corporation (MCI), pursuant to Section 1.48(b) of the Rules, 47 C.F.R. § 1.48(b), hereby requests permission to exceed the page limitation set forth in Section 1.429(d) of the Commission's Rules, 47 C.F.R. § 1.429(d), applicable to its Petition for Reconsideration filed in these dockets yesterday, and petitions for waiver, pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, of the timing requirements in Section 1.48(b) applicable to requests for permission to exceed page limitations. Good cause exists for both requests, and MCI's Petition for Reconsideration should be accepted for filing.

MCI filed its Petition for Reconsideration and Clarification

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of the Second Report and Order in these dockets (Order)¹ on May 26, 1998. Because the Order involves the intricate details of the application of Section 222 of the Communications Act as well as the interplay of the two above-captioned dockets, it addresses a variety of complex and important issues involving the protections accorded to customer proprietary network information (CPNI) by Section 222 and the application of nondiscrimination rules to CPNI.

As an interexchange carrier with only a fraction of the customer base of either AT&T or, within any Bell Operating Company's (BOC's) service territory, a fraction of that BOC's customer base, MCI has under its control only a portion of the CPNI database available to those carriers. MCI thus has a vital interest in a strict interpretation of the CPNI protections in Section 222 and accordingly is significantly affected by every issue resolved in the Order, particularly issues related to the application of nondiscrimination requirements to CPNI. MCI has also been in the forefront of those carriers participating in the CPNI docket, CC Docket No. 96-115, that favor a strict interpretation of Section 222. On many of the issues raised in the CPNI docket, it has been incumbent on MCI to articulate positions that would advance the competitive goals of Section 222, particularly from the viewpoint of smaller competitive carriers.

¹ Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-27 (released Feb. 26, 1998).

Accordingly, it was necessary for MCI to raise a variety of issues in its Petition for Reconsideration addressing nondiscrimination and other interpretive matters. Because of the number and complexity of the issues raised by MCI, the detail required to develop these positions clearly and effectively necessitated a Petition of 55 pages in length. Each of the issues raised by MCI is crucial for the development of competition and will become even more significant if and when the BOCs gain entry into in-region long distance services. For example, the extent to which nondiscrimination rules will apply to CPNI will have a tremendous impact on the availability of the BOCs' monopoly-derived CPNI database to competitors, which, in turn, will determine the effectiveness of competitive carriers' joint marketing vis-a-vis the BOCs' joint marketing once the latter are providing in-region long distance services.

Furthermore, it would not have been possible for MCI to file a request to exceed the page limitation 10 days before the due date, as Section 1.48(b) requires, since it was not evident at that point, Friday, May 15, that the Petition would be so long. As of May 15, MCI counsel had only just finished reviewing other parties' initial comments on the GTE and CTIA requests for temporary relief and preparing MCI's Reply Comments, which were filed on May 13. In any event, because MCI has been in the forefront of those carriers pressing for a pro-competitive interpretation of Section 222 and for the application of nondiscrimination requirements to CPNI, MCI believes that

acceptance of its Petition for Reconsideration will be helpful to the Commission in its efforts to implement Section 222 in a way that advances the competitive and other goals of that provision, based on as complete a record as possible. Accordingly, the public interest would be served by a waiver of the requirements of Section 1.48(b) so that the Commission may consider, out of time, MCI's request to exceed the applicable page limitation.

WHEREFORE, MCI submits that good cause has been demonstrated for a waiver of Section 1.48(b) of the Commission's Rules so that the Commission can consider MCI's request for permission to exceed the page limitation in Section 1.429(d) of the Commission's Rules and that good cause has been shown for such permission. MCI accordingly requests that the Commission accept its Petition for Reconsideration, filed on May 26, 1998, as procedurally proper.

Respectfully Submitted,

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Dated: May 26, 1998

CERTIFICATE OF SERVICE

I, Sylvia Chukwuocha, do hereby certify that a true copy of the foregoing Petition for Waiver of Page Limitation of MCI Telecommunications Corporation was served this 27th day of May, 1998 by hand delivery or first class mail, postage prepaid, upon each of the following parties:

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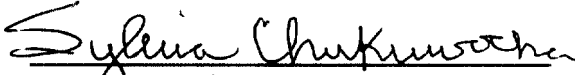
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